

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**MICAH CROFFORD BROWN,**

Petitioner,

v.

**BOBBY LUMPKIN,** Director,  
Department of Criminal Justice,  
Correctional Institutions Division,

Respondent.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

Civil Action No. **3:19-CV-2301-L-BN**

**ORDER**

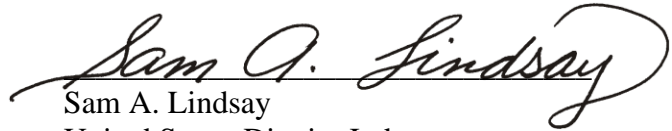
On January 28, 2022, the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 69) was entered, recommending that the court deny Petitioner’s Motion for Stay and Abeyance of Federal Habeas Proceedings (“Motion”) (Doc. 63), filed August 20, 2021, because he delayed in filing his Motion; he has failed to satisfy the standard for obtaining a stay of this proceeding to return to state court to litigate any unexhausted claims; he failed to establish good cause for his failure to exhaust these claims; his unexhausted claims are meritless; and many claims that he now asserts in this proceeding are substantially similar to those previously presented to and denied by the state habeas court.

On February 14, 2022, Petitioner filed objections (Doc. 70) to the Report. Petitioner disagrees that he was dilatory in filing his motion particularly in light of the global pandemic and contends that the Report fails to adequately account for the equities in this case. In addition, he asserts that he need only show that: (1) one of his unexhausted claims has some potential merit; and (2) he has good cause for failing to previously exhaust the claim. Petitioner argues that his

ineffective assistance of counsel claim satisfies these requirements. He further argues that the findings as to his remaining claims are erroneous.

Having considered Petitioner's Motion, the parties' briefs, the file, record in this case, and Report, and having conducted a de novo review of that portion of the Report to which objection was made by Petitioner, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **overrules** Petitioner's objections (Doc. 70) and **denies** his Motion (Doc. 63).

**It is so ordered** this 18th day of February, 2022.

  
Sam A. Lindsay  
United States District Judge